



Town of Southwick Planning Board MINUTES



**Tuesday, June 28, 2022
7:00 PM (recorded)
Town Hall Land Use Hearing Room**

Written Minutes

(Not verbatim - comments can be heard on recordings available at www.southwickma.org)

MEMBERS IN ATTENDANCE: Michael Doherty, Chair
Marcus Phelps, Vice Chair
Richard Utzinger
David Sutton
David Spina
Jessica Thornton, Associate

ABSENT: None

TOWN STAFF: Jon Goddard, Town Planner
Meghan Lightcap, Secretary

Also attending the meeting were approximately 6 members of the public and several people via *Zoom*.

The “hybrid” meeting of the Planning Board was scheduled for participation in-person and via *Zoom* to take place at the Town Hall Land Use Hearing Room and was called to order at 7:03 p.m. by Mr. Doherty. He stated that the meeting was being recorded and asked if anyone else was recording the meeting.

PLANNER’S REPORT: 7:00 p.m.

1. Mr. Goddard met with Mr. Clarence Crossler of 220 College Highway. The site contains a historic church that has recently closed, and the two discussed zoning constraints and opportunities within the R-40 zone. They also explored the desire to split the property into two parcels for the church building and food pantry (separately), but there is not enough frontage.
2. Mr. Goddard met with Art Ribinskas at Crepes Tea House and will address the conversation later in the meeting during that agenda item.

PUBLIC COMMENTS: 7:05 p.m.

No comments were submitted or presented to the Board.

APPOINTMENTS:

Special Permit, Site Plan Approval & Stormwater Management Permit for a proposed office & warehouse building

7:10 p.m 18R Hudson Drive & 1 Whalley Way (Industrial Restricted Zone)

Continued Public Hearing

Filipe Cravo, a representative to the applicant from R. Levesque Associates, Inc., showed the plans and gave a recap on the open vacant parcel proposed office building and parking lot connected to 6 loading docks. He said they addressed DPW Director, Randy Browns, comments from the previous meeting and Mr. Brown is now okay with the corrections they made. Mr. Cravo addressed the Boards comment that there is excessive parking proposed with 74 spots so they eliminated a row, added landscaped islands, spot grades and a loading dock area. He said they distributed architectural plans, one to the Fire Chief who is content with them. Mr. Cravo showed the elevation plan and Mr. Doherty asked what the height of the building was. Mr. Cravo said 24 feet at the eave but he doesn't have the peak height in front of him so Mr. Phelps asked if it was less than 35 feet and Mr. Cravo said yes it was.

Mr. Doherty noted that the Planning Board had received a copy of the variance issued from the Zoning Board of Appeals; Mr. Cravo said yes, it was granted and they will file an Approval Not Required plan to establish 2 properties with cross easements. Mr. Utzinger asked to see the handicap accommodations and Mr. Cravo showed him the spots on the plan that included a flush curb. Mr. Doherty said to submit the ANR split correctly because of setbacks; Mr. Utzinger asked what if it becomes an issue with two separate owners and they don't get along. Mr. Cravo said there will be an easement agreement with a maintenance agreement. Mr. Doherty said it would need to be spelled out for driveway maintenance for access to the other building; Mr. Cravo said yes it would be. Mrs. Thornton asked if they addressed the drainage issue the neighbor had raised and Mr. Cravo said the drainage structure in question along Hudson Drive will be removed and a new one will be installed. Mr. Doherty said he would draft a decision for review at the next meeting on July 12 as well as run the easement question by Town Attorney Mark Tanner.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to close the public hearing for 18R Hudson Drive & 1 Whalley Way.

The motion passed unanimously.

Stormwater Management Permit Application

Mr. Doherty said a bunch of materials have been received and it needs to be reviewed with DPW. Derrick Hale, the engineer on the project, said he had submitted a third set of materials to the Town Planner including a hydrology summary and they were nearly 60 % complete on the plans. Mr. Hale requested a continuance and Mr. Doherty said he needed to submit an Operation and Maintenance Inspection Log Checklist and Mr. Hale said he would have that before July 12.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to continue the public hearing for 159 Berkshire Avenue to July 12, 2022 at 7:45 p.m.

The motion passed unanimously.

Definitive Subdivision, Special Permit, Site Plan Approval & Stormwater Management Permit Application

8:00 p.m 138R Hillside Rd. (Residential 40 Zone)Continued Public Hearing

Mr. Cravo from R. Levesque Associates, Inc. is the representative for the applicant on this project. He said he made changes requested by the Board adding a row of vegetation along the property lines to the west side 50 foot buffer strip and added two rows of White Spruce trees. The sidewalk nearest Hillside Road has been extended on the property and radius as well. There were no additional comments from Mr. Brown the DPW Director; Mr. Doherty read his email. Mr. Spina asked if this had been approved by the Conservation Commission and Mr. Cravo said yes. Mr. Utzinger asked if the third house that has access to the retention pond incur responsibility for up keep of that area and Mr. Cravo said that property line is within an easement on that property. Mr. Utzinger said so if something goes wrong with that retention pond the homeowner is not responsible for it and Mr. Cravo said no, it will be part of the Homeowners Association, the maintenance of it. Mr. Doherty asked why it was not separated out into open space. Mr. Cravo said he wasn't sure as it has enough space to do that but the way the rules are written it doesn't have to be on its own. Mr. Doherty asked to see the topography in that basin and vegetation. Mr. Cravo said the tree line that cuts across the property is 420 feet elevation at the front of the lot, 400 feet in the back, and the road elevation is 436 feet. Mr. Goddard said his primary concern on the drainage basin is sedimentation during construction. Mr. Cravo said they would not cut to the final elevation until the final grade and the lot construction would not trip a stormwater permit, but they should think about measures to add into the decision. Doug Moglin of 5 Hidden Place said it is not a bad idea to make a retention pond part of a lot because he has seen with other subdivisions in the past the Homeowners Association is never perfectly formed and eventually the property falls into Town ownership where it gets foreclosed upon for lack of tax payments. He said it would be better to have it as part of the HOA and let homeowners maintain it. Mr. Moglin added that they should consider asking them to place those boulders in that access way sooner than later as he sees a continuing trend in subdivisions in the Town of Southwick. Where there is an easement or right of way when someone buys a lot and is surprised that an easement to open space is right outside their house because they either failed to or didn't comprehend where that access system was in relation to their home. Mr. Doherty said

they would put that in the decision and it was a good idea. There was discussion between Mr. Doherty and Mr. Moglin about whether 5 houses would have an HOA and Mr. Moglin said it would be best if the drainage easement and cistern were drawn in favor of the Town so they can get back there if the drainage fails to work. Mr. Doherty said they would look at that on the decision at the next meeting.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to close the public hearing for 138R Hillside Road.

The motion passed unanimously.

Application for a Wellhead Protection District Special Permit in conjunction with a Request to Modify Site Plan Approval & Amend Special Permit Decision

8:00 p.m 141 Congamond Rd. (Residential 20 & Business Zone) *Continued Public Hearing*

Mr. Cravo attended as the applicant's representative for this project and showed changes they had made to plans, including the addition of a cedar plank fence along Beach Road, a deep sump catch basin, and the removal of one parking space. Mr. Cravo said the project is still pending the Conservation Commission's approval regarding a roof infiltrator question. Mr. Eggelston, the applicant, said the southernmost property line fence is 4 feet high. Mr. Doherty said one of the requirements in the Wellhead Protection District is that the plan includes drainage recharge submissions to prevent loss of recharge and how can we say this is addressed if the Conservation Commission is still looking at this? Mr. Cravo said it would matter if the proposed improvements adversely affect groundwater. He said this is an existing facility, there is existing gravel and there is a very minor expansion to this vegetated edge of the property. The proposed improvements are improving over existing conditions with the catch basins; water quality would improve, nothing would adversely affect groundwater. Mr. Doherty said he is careful about waiting on the Conservation Commission decision so that there are no changes and he wonders if this is something that needs to be shown on the Wellhead and the Site Plan. Mr. Cravo said adding to the existing infiltrators that would be excessive to what exists already. Mr. Phelps said don't we always add a contingency provision for other Boards to pass on our decisions. He also said that in the Zoning Bylaw, Chapter 185-22, Section I, Subsection 4, "Nonconforming Use", which this is, "Nonconforming uses which were lawfully existing, begun or in receipt of a building or a special permit prior to the first publication of notice of public hearing for this chapter may be continued....extended or altered only as permitted in these zoning bylaws and only if there is a finding by the Planning Board pursuant there hereto that such changes do not increase the danger or surface of groundwater pollution from such use." Mr. Doherty said he still thinks it has to be included on a final Site Plan and as long as it's signed off by Conservation he is fine with it. The Board closed the hearing and reviewed the decision.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to close the public hearing for 141 Congamond Road.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to grant a modification to the Special Permit and Site Plan Approval for 141 Congamond Road as reflected in this written decision.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to grant a Wellhead Protection District Permit for 141 Congamond Road as reflected in this written decision.

The motion passed unanimously.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to accept the written decision for 141 Congamond Road.

The motion passed unanimously.

Review of Plans Not Subject to Approval under Subdivision Control Law

- Mort Vining Road (Parcel 165-001-001) – Oak Ridge Custom Home Builders, Inc.

There are 2 lots 8 & 9 and they want to modify lot 5. Mr. Goddard has no issue with the plan.

A **MOTION** was made by Mr. Phelps and **SECONDED** by Mr. Utzinger to endorse the ANR for Mort Vining Road.

The motion passed unanimously

Discussion Items:

Southwick DPW: Parking Lot Design Guidelines and Lower Impact Development Barriers
NPDES MS4 Permit Component. Mr. Goddard said that the DPW has been working along with Fuss & O'Neill to develop a report touching upon barriers that are evident in our bylaws and in subdivision regulations for green infrastructure. These barriers are based off of what are now industry standards. The industry standards would like to reduce those standards as we have setbacks that are at a minimum. So, part of our effort is to run through and categorize our regulations and bylaws as they relate to those standards. He said this is an ongoing discussion and document and if anyone has anything to add that would be appreciated especially if something doesn't make sense. This will eventually be implemented and some examples are boulders in a subdivision, earth excavation.

Earth Excavation Permit at Hudson Drive (Tilcon, Inc) Contemplated Permit Amendment. Mr. Goddard gave the Board a document with suggested modifications to the Special Permit by Tom Saunders representative to the applicant. Mrs. Thornton asked if they could adjust it to take out the responsibility of the solar panels and Mr. Goddard yes they could but they needed feedback from Town Attorney Mark Beglane.

Routine Business

- Greens-West Subdivision: Posting of Security & Lot Release from Covenant.
Mr. Goddard said they are waiting on the developer to come back to them but everything is done on the Planning side.
- Crepes Tea House- Parking & Site Plan Discussion Update.
Mr. Goddard met with the owner and he has added informal striping to the parking lot. Mr. Goddard told him he needs a projection of occupancy on the new buildings. The owner is contemplating adding a liquor license as well as a play structure which would be placed on Conservation land. Mr. Phelps said he needs a Site Plan and Mr. Goddard agreed that he did.
- Gregoire Parcel- Access Discussion Update.
Mr. Goddard reached out to a colleague and told Mr. Gregoire that he needs to discuss this plan with a land surveyor.
- Depot Square Bond Reduction Request.
Mr. Goddard said the current stormwater bond is \$175,000. Mr. Brown has a punch list of work items and noted that the stormwater catch basins are different than the original design.
- Housing Production Plan Committee –Membership Discussion.
Mr. Goddard has this on the agenda as a placeholder so they can have a reminder that they may need a sub unit for the Master Plan Committee. Mr. Phelps said he let Mr. Comia of Pioneer Valley Planning Commission know that they will do a separate housing plan. He feels it is best to utilize the Housing Authority and they don't intend to form a subcommittee, just have a few people discuss this as a work group. This is a component of the Master Plan. He will ask Master Plan Advisory Committee member Amber Bach, a Licensed Realtor, to join along with him.
- Master Plan Advisory Committee Update.
See above.
- Short-Term Rental Subcommittee Update.
Mr. Utzinger said they had a meeting last week and looked at results of the questionnaire they sent out. 154 responded and they are trying to get a feel for those that are for and against short term rentals. They have another meeting next week and will swear in the new Health Director, Alex White, pending approval through the Select Board.

A MOTION was made by Mr. Utzinger and SECONDED by Mr. Spina to accept the replacement of the Board of Health Representative Alex White for Tom Fitzgerald.

The motion passed unanimously.

- Minutes Approval

A MOTION was made by Mr. Phelps and SECONDED by Mr. Utzinger to approve the Meeting Minutes of March 1, 2022.

The motion passed unanimously.

A MOTION was made by Mr. Phelps and SECONDED by Mr. Utzinger to approve the Meeting Minutes of March 15, 2022 with changes on page 2, item 3.

The motion passed unanimously.

A MOTION was made by Mr. Phelps and SECONDED by Mr. Utzinger to approve the Meeting Minutes of March 22, 2022.

The motion passed unanimously.

A MOTION was made by Mr. Phelps and SECONDED by Mr. Utzinger to approve the Meeting Minutes of March 29, 2022.

The motion passed unanimously.

A MOTION was made by Mr. Phelps and SECONDED by Mr. Utzinger to approve the Master Plan Advisory Committee Meeting Minutes of June 7, 2022.

The motion passed unanimously.

Being no further business to be brought before the board, a **MOTION** was made by Mr. Sutton and **SECONDED** by Mr. Spina to close the meeting at 9:45 p.m.

The motion passed unanimously.

The Next Scheduled Meeting is July 12th, 2022.

Respectfully submitted,

Meghan Lightcap
Secretary Planning Board

Electronic signatures have been affixed in accordance with M.G.L. c.110G and pursuant to the Board's electronic signature authorization vote of January 4, 2022 as recorded at the Hampden County Registry of Deeds in Book 24401, Page 596.

Michael Doherty, Chair	<u>/s/ Michael Doherty</u>
Marcus Phelps, Vice Chair	<u>/s/ Marcus Phelps</u>
Richard Utzinger	<u>/s/ Richard Utzinger</u>
David Sutton	<u>/s/ David Sutton</u>
David Spina	<u>/s/ David Spina</u>
Jessica Thornton, Associate	<u>/s/ Jessica Thornton</u>